

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Group Art Unit: 2827  
Michael Farmwald et al. : Examiner: Tan Nguyen  
Appln. No.: 10/716,595 : Confirmation No.: 7213  
Filed: November 20, 2003 : Customer No.: 38013  
For: MEMORY DEVICE AND METHOD FOR :  
OPERATING SAME :

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBLIVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A CO-PENDING APPLICATION

Sir:

The owner, Rambus Inc., of the entire interest in the instant patent application (as evidenced by the assignment recorded on April 18, 1990, at Reel 5385, Frame 875) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant patent application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173 of any patent granted on co-pending U.S. Patent Application No. 10/973,268, as shortened by any terminal disclaimer filed in the co-pending patent application prior to the issuance of any patent granted thereon, the entire interest

in the co-pending patent application being owned by said Rambus Inc. (as evidenced by the assignment recorded on April 18, 1990, at Reel 5385, Frame 875). The owner hereby agrees that any patent so granted on the instant patent application shall be enforceable only for and during such period that it and any patent granted on the co-pending patent application are commonly owned. This agreement runs with any patent granted on the instant patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of any patent granted on the co-pending patent application, as shortened by any terminal disclaimer filed in the co-pending patent application prior to the issuance of any patent granted thereon, in the event that such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any

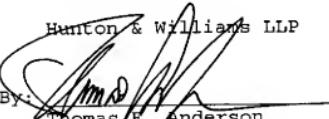
U.S. Patent Application No.: 10/716,595  
Attorney Docket No.: 57941.000062  
Client Reference No.: RA001.2003.1.C.US

terminal disclaimer filed in the co-pending patent application prior to the issuance of any patent granted thereon.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge the \$140.00 fee under 37 C.F.R. § 1.20(d) covering the cost of filing this Terminal Disclaimer to Deposit Account No. 50-0206. Any deficiency or overpayment should also be charged or credited to Deposit Account No. 50-0206.

Respectfully submitted,

  
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